

JUN 04 2010

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **Wuesthoff-10 (9A-99 194)**

Applicants: **Michael MROCHEN, et al.**

Serial No.: **10/588,175**

Confirmation No.: **5061**

Filing Date: **April 25, 2008**

Title: **OPHTHAMOLOGICAL DEVICE**

Examiner: **Terry M. Johnson Vessels**

Group Art Unit: **3735**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

Information Disclosure Statement

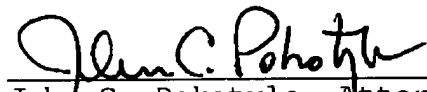
The applicants respectfully request that the reference listed on the attached PTO/SB/08A be considered in the examination of the above-identified application. Since the reference is a U.S. patent or a patent application publication, no copy is enclosed. (See the notice, "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications Filed After June 30, 2003," Pre-OG Notices (July 11, 2003).)

The applicants reserve the right to establish that the reference listed on the attached PTO/SB/08A is not prior art to the above-captioned application.

Since a first Office Action on the merits has not yet been received, the applicants assume that this Information Disclosure Statement should be considered under 37 C.F.R. § 1.97(b)(3). **Accordingly, it is believed that no fee is due.** If, however, an Office Action on the merits has been mailed before the filing date of this Information Disclosure Statement, the Office is authorized to charge any fee required to have the Information Disclosure Statement considered to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

Respectfully submitted,

Dated: June 4, 2010


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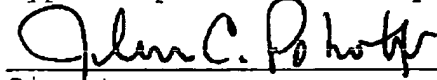
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification



Signature

June 4, 2010
Date